

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

FILED

OCT 29 2010

CARL D. MITCHELL,

Petitioner,

v.

BRUCE HOWARD, Warden,

Respondent.

WILLIAM S. GUTHRIE
Clerk, U.S. District Court

By _____
Deputy Clerk


No. CIV 09-308-RAW-KEW

ORDER AND OPINION
DENYING CERTIFICATE OF APPEALABILITY

Petitioner has filed a notice of intent to appeal the court's order entered September 9, 2010, denying his petition for a writ of habeas corpus. After a careful review of the record, the court concludes petitioner has not shown "at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether [this] court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). See also 28 U.S.C. § 2253(c).

Accordingly, petitioner is denied a certificate of appealability.

IT IS SO ORDERED this 29th day of October 2010.


RONALD A. WHITE
UNITED STATES DISTRICT JUDGE